

MINUTE ENTRY

10:40 a.m.

UNITED STATES OF AMERICA -v- CAI, WEI

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
PATRICK SMITH, Assistant U. S. Attorney
ROBERT T. TORRES, Counsel for Defendant
CAI, WEI, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Robert Torres. Government by Patrick Smith, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Anthony Yen was present and sworn as Interpreter/Translator of the Mandarin language.

No objection by the government of the presentence report, as amended by the Court. Counsel for defendant had no objections.

Court adopted the amended presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government opposed the presentence recommendation because it was lacking a two-level increase (Paragraph 28) - for his managerial involvement for a total offense level of 12. Defense stated that the objection was well taken.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended that the sentencing should be 14 months imprisonment. Defense recommended that the defendant be sentenced to 5 months imprisonment (time served) and deportation.

Court recessed at 11:25 a.m. and reconvened at 11:28 a.m.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant CAI, WEI is hereby sentenced to 10 months imprisonment (with credit for time served) and supervised release for a term of two (2) years. The term of supervised release will commence immediately and will require that the defendant comply with the following conditions:

1. The defendant shall be delivered to Northern Mariana Islands Commonwealth Immigration Officials, Office of the Attorney General, for deportation proceedings. If immediate deportation fails to occur and the defendant is released pending

further disposition, he shall immediately report to the U.S. Probation Office to begin his term of supervised release. (If the defendant is imprisoned in a facility in the United States then he shall be delivered to a U.S. Immigration Official for deportation proceedings.)

2. That the defendant shall not commit another federal, state or local crime;

3. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter for use of a controlled substance;

4. That the defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission;

5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon; and

6. That the defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Government moved to dismiss Count II of the Indictment. Court so ordered.

Adj. 11:35 a.m.

; [KLL EOD 03/04/2005]